

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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DARLINGTON AMADASU,

Plaintiff,

vs.

JAMES R. DONOVAN,
M.D., et al.,

Defendants.
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: Case No. 1:01-cv-210
: (Judge S. J. Dlott)
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Scheduled deposition of DARLINGTON
AMADASU, plaintiff herein, called by the defendants
for cross-examination, pursuant to the Federal Rules
of Civil Procedure, taken before me, Tracy L. Allen,
a Registered Professional Reporter and Notary Public
in and for the State of Ohio, at the offices of
Taft, Stettinius & Hollister, 1800 US Bank Center,
425 Walnut Street, Cincinnati, Ohio, on Friday,
October 29, 2004, at 9:30 AM.

ORIGINAL

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Pro Se

4 On behalf of the Defendants The University of
 5 Cincinnati, Dr. James R. Donovan, Dr. James
 6 Lockey, Dr. Andrew G. Freeman, Debra Ann
 Middaugh, Muriel Pohl, Dora Jefferson-Gaynor,
 Charles Buncher, Judy Jarrell, Tracy Herrman
 and Dr. Andrew T. Filak:

7 Justin D. Flamm, Esq.
 8 Taft, Stettinius & Hollister
 1800 US Bank Center
 9 425 Walnut Street
 Cincinnati, Ohio 45202-3957
 10 Phone: (513) 381-2838

11 On behalf of Defendants Claudia Miller, Roger
 Perales and University of Texas Health Science
 12 Center at San Antonio:

13 Kerry Ascher, Esq.
 Assistant Attorney General
 14 General Litigation Division
 P.O. Box 12548
 15 Capitol Station
 Austin, Texas 78711-2548
 16 Phone: (512) 475-4080

17 Also present:

18 Mitchell D. McCrate, Esq.

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20 E X H I B I T S

21 Defendants'		
Exhibit No.	Description	Marked
22 1	Three-page Notice Of Deposition	3
23	Of Plaintiff On October 29, 2004	

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1 P R O C E E D I N G S

2 MR. FLAMM: My name is Justin Flamm, and I
3 represent the following defendants in this
4 action: The University of Cincinnati, Dr.
5 James Donovan, Dr. James Lockey, Dr. Andrew
6 Freeman, Dr. Debra Ann Middaugh, Muriel Pohl,
7 Dora Jefferson-Gaynor, Ralph Buncher, Judy
8 Jarrell, Tracy Herrman, and Dr. Andrew Filak.

9 It's approximately 9:33 AM on Friday,
10 October 29, 2004. We're here for the attempted
11 deposition of Plaintiff Darlington Amadasu in
12 this matter.

13 Plaintiff's deposition was noticed by me
14 on October 6, 2004. And I will hand the court
15 reporter a copy of that notice, and I would
16 like -- I would ask that it be made part of the
17 record here.

18 (Defendants' Exhibit 1
19 was marked for identi-
20 fication.)

21 Plaintiff is aware of the notice. And I
22 had discussed with him our expectation that the
23 deposition would move forward today.

24 It is my understanding that he filed a
motion for protective order earlier this week.

1 Served it on me on October 25, 2004.

2 However, pursuant to the June 21, 2004
3 order of Magistrate Judge Black, all parties
4 are required to notify the court and seek a
5 conference prior to filing any motions under
6 Rule 26 or 37 of the Federal Rules of Civil
7 Procedure.

8 Plaintiff's motion for protective order
9 was thus not properly brought. And to my
10 knowledge, the court has not issued any
11 protective order or any other ruling that would
12 have excused plaintiff from attending his
13 deposition here today.

14 We will take this matter up with the court
15 and we'll seek sanctions against plaintiff
16 and/or the rescheduling of his deposition.

17 We have Texas counsel on the telephone.
18 And if you have any comments you wish to make,
19 I would open the floor to you.

20 MS. ASCHER: Kerry Muldowney Ascher for
21 the attorney general for the Texas defendants
22 Dr. Claudia Miller, Roger Perales, University
23 of Texas Health Science Center at San Antonio.

24 We join in the comments and concerns

1 stated by Mr. Flamm. And we also will be
2 joining in going to the court, contacting the
3 judge in this matter for advice on how we
4 should proceed either for sanctions against
5 Amadasu or what other action is appropriate.

6 MR. FLAMM: I would note that the
7 sanctions that we may be seeking in this matter
8 could include dismissal of the action for
9 plaintiff's failure to prosecute.

10 And with that I would conclude the
11 deposition in progress for today.

12 Off the record.

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14 (Proceedings adjourned at 9:36 AM.)

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STATE OF OHIO :
SS:
COUNTY OF HAMILTON :

I, Tracy L. Allen, a duly qualified and commis-
sioned notary public in and for the State of Ohio,
do hereby certify that the foregoing pages
constitute a true and correct transcript of
proceedings given at said time and place; that I am
neither a relative of nor attorney for any of the
parties to this litigation, nor relative of nor
employee of any of their counsel, and have no
interest whatsoever in the result of this liti-
gation. I further certify that I am not, nor is the
court reporting firm with which I am affiliated,
under a contract as defined in Civil Rule 28 (D).

IN WITNESS WHEREOF, I hereunto set my hand and
official seal of office, at Cincinnati, Ohio, this
2nd day of November, 2004.

MY COMMISSION EXPIRES:
JULY 29, 2008.



TRACY L. ALLEN, RPR
NOTARY PUBLIC, STATE OF OHIO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU,

Plaintiff,

v.

JAMES R. DONOVAN, M.D., *et al.*,

Defendants.

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Case No. 1:01-cv-210

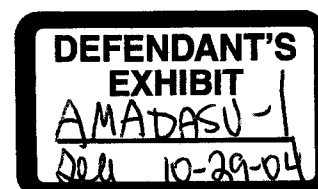
Judge Dlott

Magistrate Judge Black

**NOTICE OF DEPOSITION OF
PLAINTIFF ON OCTOBER 29, 2004**

Please take notice that Defendants The University of Cincinnati, James R. Donovan, Andrew G. Freeman, Debra Ann Middaugh, Muriel Pohl, Dora Jefferson-Gaynor, Ralph Charles Buncher, Judy L. Jarrell, Tracy Herrman, James Lockey, and Andrew T. Filak (collectively "the Ohio Defendants"), by counsel, will take the deposition of Plaintiff Darlington Amadasu on Friday, October 29, 2004, commencing at 9:00 a.m., pursuant to Rules 26, 30 and 32 of the Federal Rules of Civil Procedure. Said deposition will take place at the offices of counsel for the Ohio Defendants, Taft, Stettinius & Hollister LLP, at 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202, and will continue from day to day until completed. The deposition will be recorded by stenographic means and may be videotaped.

{W0280696.1}



Respectfully submitted,

James Petro, Attorney General

By: /s/ Justin D. Flamm

Gregory Parker Rogers (0042323)

Justin D. Flamm (0071575)

Taft, Stettinius & Hollister, LLP

425 Walnut Street, Suite 1800

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(513) 381-2838

(513) 381-0205 (fax)

Attorneys for the Ohio Defendants

OF COUNSEL:

Mitchell D. McCrate (0047403)

Associate General Counsel

University of Cincinnati

Office of the General Counsel

300 Administrative Building

Cincinnati, Ohio 45221-0623

(513) 556-3483

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing using the CM/ECF system and served copies upon Darlington Amadasu, Plaintiff Pro Se, at P.O. Box 6263, Cincinnati, Ohio 45206, via certified and regular United States mail, postage prepaid, and upon Ramiro Canales, counsel for Claudia Miller, Roger Perales, and the University of Texas Health Science Center at San Antonio, at Assistant Attorney General for the State of Texas, General Litigation Division, P.O. Box 12548, Capitol Station, Austin, TX 78711-2548 via facsimile and regular United States mail, postage prepaid, this 6th day of October, 2004.

James Petro, Attorney General

By: /s/ Justin D. Flamm
Gregory Parker Rogers (0042323)
Justin D. Flamm (0071575)
Taft, Stettinius & Hollister, LLP
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Attorneys for the Ohio Defendants